

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION



MICHAEL ANGELO ECKLIN,

Petitioner

v.

CIVIL NO. 2:14-CV-389
CRIMINAL NO. 2:11-CR-139

UNITED STATES OF AMERICA,

Respondent.

OPINION AND ORDER

Michael Ecklin's ("Petitioner") Motion to Vacate, Set Aside or Correct Sentence is before the Court. ECF No. 144.

On December 9, 2011, a jury of his peers found Petitioner guilty of possessing a firearm and ammunition as a felon in violation of 18 U.S.C. § 922(g)(1) and 924(a)(2) (Count 1) and aiding and abetting his co-defendant's possession of a firearm and ammunition in violation of 18 U.S.C. § 2 (Count 2). The Court then dismissed Count 2 on Petitioner's Motion, acquitting him of the offense pursuant to Federal Rule of Criminal Procedure 29 because the evidence presented was insufficient to satisfy the verdict. On April 16, 2013, the Court sentenced Petitioner to 120 months of imprisonment, three years supervised release, and a special assessment of \$100.00. Petitioner timely appealed. The Fourth Circuit affirmed this Court's judgments on June 14, 2013 and denied a petition for rehearing on July 16, 2013.

In his § 2255 Motion, Petitioner asserts several different claims of constitutional error. So that the Court may be fully briefed on Petitioner's Motion, the Court hereby **ORDERS** the United States to file an answer, motion, or other response within sixty (60) days of the date of

this Order, including a Roseboro notice, if appropriate. See Local Civ. R. 7(K). Petitioner shall file his reply, if any, within twenty-one (21) days after service of the response of the United States.

The Clerk is **DIRECTED** to forward a copy of this Order to the United States Attorney's Office and to the Petitioner..

IT IS SO ORDERED.



Robert G. Doumar
Senior United States District Judge

UNITED STATES DISTRICT JUDGE

Norfolk, VA
August 4, 2014